

REMARKS

Claims 1 and 4 have been amended and claims 12-23 have been cancelled.

Claims 1-11 remain pending.

Claim Rejections under 35 U.S.C. §112, First Paragraph

Claims 1-12 stand rejected as failing the written description requirement on the basis that the “original disclosure fails to provide antecedent basis for this feature, nor is its meaning clear. It appears from the disclosure that the load sensor is never directly coupled to the mechanical load of the brake cable and there is no clear disclosure of coupling and decoupling the sensor.” Applicants disagree and submit that that the claim is clear, definite and that the disclosure clearly indicates that Applicants were in possession of the claimed invention at the time of filing.

Moreover, claim 1 as previously amended did not require that the claimed load sensor be “directly coupled to the mechanical load of the brake cable” as the Office Action contends. This language does not appear in the claim and it is improper for the Office Action to read such limitations into the claim. Moreover, the previously amended claim did not recite “coupling and decoupling the sensor.” Again, it is improper to read limitations into claims and to reinterpret claim language; thus the rejection is improper.

Nonetheless, in an effort to expedite prosecution of this application, Applicants have amended claim 1 to recite:

the actuator comprising a spindle and a nut engaging each other and forming a spindle/nut assembly, wherein the spindle/nut assembly can be axially displaced within the operating mechanism and wherein the load sensor is arranged between a housing of the operating mechanism and the spindle/nut assembly such that the determination of the mechanical load of the at least one brake cable is decoupled from the load transmission to at least one brake cable.

Support for this amendment is found, at least, at FIGS. 2 and 3 and paragraphs 42, 43 and 44; and Applicants respectfully request that the rejection be removed.

Claim Rejections Under 35 USC §102

Claims 1-4 and 10 stand rejected under §102(e) as being anticipated by US 6,213,259 (Hanson). Applicants submit that currently amended claim 1 is allowable over Hanson because claim 1 recites many limitations neither taught nor suggested by Hanson. As an example, Hanson neither teaches or suggests a “spindle/nut assembly” that “can be axially displaced” as recited in currently amended claim 1. As a consequence, Applicants request a favorable reconsideration of currently amended independent claim 1 and dependent claims 2-11.

Claim Rejections Under 35 USC §103

Claim 11 stands rejected under §103(a) as being obvious over Hanson. Applicants submit claim 11 is allowable, as discussed above, at least because claim 11 depends from claim 1, which recites many limitations neither taught nor suggested by Hanson.

Translation of Priority Papers

In addition, claims 1-4 and 10 stand rejected as being anticipated by US2003/0066714 (Flynn). The Office Action indicates that “the rejection is maintained as the Applicant has not provided a translation of the priority papers in accordance with 37 CFR 1.55.”

In response, Applicants are providing an accurate English translation of German Application No. 10102685.4, which this Application claims priority to. Applicants would like to point out, that the previously submitted International Application No.

PCT/EP02/00596 includes an English translation of German Application No. 10102685.4, but also additional subject matter, and as a consequence, the English translation submitted herewith should be utilized by the Examiner instead of the International Application.

Applicants submit that the German Application No. 10102685.4, which was filed January 22, 2001, predates Flynn's filing date of October 9, 2001, and discloses the subject matter of the elected species generally depicted in FIGS. 1-4. As a consequence, Flynn is removed from the prior art relative to the present application. Thus, Applicants respectfully request that this rejection be withdrawn.


CONCLUSION

In view of the foregoing, Applicants respectfully submit that no further impediments exist to the allowance of this application and, therefore, solicit an indication of allowability. However, the Examiner is requested to call the undersigned if any question or comments arise.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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Respectfully submitted,

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